

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Land acquisition - Yeleru Reservoir Project - East Godavari District - Peddapuram Division - Yeleswaram Mandal, Yeleswaram Village, - Land acquired under Award No.23/89,dated.6.7.89 for YRP - Land value enhanced in O.P.No.81/91 - Appeal filed in A.S.No.3752/2000 - Dismissed - Sanction of entire / full decretal charges - Orders - Issued.

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IRRIGATION & CAD (PW.LA.I) DEPARTMENT

**G.O.Rt.No. 185**

**Date:6.3.2009**

Read the following

1. From the Collector & District Magistrate, East Godavari District, Lr.No. G1/3310/2008, dated. 2.6.2008.
2. From the Spl.Chief Secretary to Govt & CCLA,A.P, Hyderabad, letter No.SPR3/660/2008, dated.15.7.2008.

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**ORDER:-**

In the references read above, it has been reported that an extent of Ac.20.22 cts of G.Wet/ G.Dry lands in S.No.115/1 etc., situated in J.Annavaram village, Yeleswaram Mandal, were acquired under Award No. 23/89 by the Spl.Dy.Collector (LA), YRP, Unit-3, Peddapuram on 6.7.89 duly fixing the land value ranging from Rs.4,000/- to Rs.21,000/- per acre. At the request of the aggrieved land owner covered with an extent of Ac.1.34 cts for which the LAO has fixed Rs.12,000/- and Rs.16,000/- per acre, the claims U/s 18 of L.A.Act were referred to the Civil Court. The Senior Civil judge, peddapuram after considering the reference pronounced decree and judgement in O.P.No.81/91, dated.9.2.2000 enhancing the land value from Rs.16,000/- to Rs.50,000/- per acre and from Rs.12,000/- to Rs.40,000/- per acre basing on judgment in AS.No.2733/96 and 2913/96 and further ordered that the claimants is **not** entitled to any interest on clauses 3 and 4, ie., Solatium and Additional Market Value.

2. Aggrieved by the Lower Court orders, the State preferred an Appeal against the order and decree dt.9.2.2000 in O.P.No.81/91. The Hon'ble High Court in its order dated.23.6.2007 in C.M.P.No.18264/2003 granted Interim stay on condition to deposit 1/4<sup>th</sup> of the decretal amount within ten weeks from the date of its order. Accordingly, Government sanctioned and released Rs.39,893/- towards 1/4<sup>th</sup> of the decretal amount and the same was deposited before the Execution Court to the credit of E.P.No.94/03 in O.P.No.81/91 on 15.12.2004. The Hon'ble High Court in its order dated. 2.3.2007 in AS.No.3752/2000 confirmed the order passed by the Reference Court and dismissed the appeal and ordered that the claimants is entitled to interest on Solatium.

3. The Collector & District Magistrate, East Godavari has requested the Government to sanction and release an amount of Rs.1,62,335/- towards entire decretal amount comply with the orders of Hon'ble High Court of A.P.,Hyderabad in A.S.No.3752/2000 filed against O.P.No.81/91. The Spl.Chief Secretary to Government & CCLA,A.P., Hyderabad, has forwarded the proposal of the District Collector, East Godavari District and recommended the Government to sanction the amount.

4. Government have examined the matter carefully and hereby sanction for an amount of Rs. 1,62,335/- towards full / final decretal charges to comply with the orders of Hon'ble High Court of A.P.,Hyderabad in A.S.No.3752/2000 filed against O.P.No.81/91., subject to verification whether the reference under section 18 of the LA

(P.T.O)

Act is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that Sec.18 reference was made contrary to the rules / guidelines issued by the Government / CCLA immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the ENC (Irr), VYPP as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court, duly deducting the Income Tax as per rules in force.

5. The amount sanctioned in para (4) above shall be deductible to "4701 -COL on Major & Medium Irrigation - 01 Major Irrigation (Commercial) - M.H. 116 Y.R.Scheme - G.H.11 Normal State Plan - S.H (26) D&A Works - 530 Major Works - 532 Lands (Charged)". The expenditure shall be met initially by way of advance from contingency fund, orders regarding which will be issued by Finance (BG) Department, separately.

6. The District Collector, East Godavari District, Kakinada shall follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No. 81/91, under Yeleru Reservoir Project for avoiding intervention of the middlemen.

7. The Engineer-in-Chief, Irrigation, Hyderabad shall take necessary steps for release of L.O.C. He is also requested to take action for obtaining supplementary grant at appropriate time towards recoupment to the advance sanctioned from contingency fund.

8. This order issues with the concurrence of Finance (Works & Projects) Department their vide U.O.No.4664/154/ A1/BG/09, dt.10.2.2009

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAIENDRA KUMAR JOSHI  
PRINCIPAL SECRETARY TO GOVERNMENT

To,

The District Collector, East Godavari, Kakinada.

The Spl. Chief Secretary to Govt & CCLA., A.P., Hyderabad.

The Engineer-in-Chief(Irr), Errumanzil, Hyderabad.

The Revenue Divisional Officer, Peddapuram, E.G. Dist.

The Director of Works Accounts, Hyderabad.

The Joint Director of Works Accounts, Dowlaiswaram.

The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:-

The Finance (BG) Department

The Finance (Works & Projects) Department

Stock File / Spare copies

In the file C.No.20900/L.A.I(A2)/2008

//FORWARDED :: BY ORDER//

SECTION OFFICER